

WEDNESDAY, JUNE 17, 1981

FIFTY-FIFTH LEGISLATIVE DAY

Pursuant to Senate Joint Resolution No. 157, the House met at 12:00 noon and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative W. A. Richardson of Maury County.

Representative Richardson led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 94

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

The Speaker announced that Representative Moore was excused to attend seminar for DuPont Company.

Mr. Burnett moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 265 out of order, which motion prevailed.

House Joint Resolution No. 265—Relative to honoring Senator Anna Belle O'Brien—By Burnett.

Mr. Burnett moved that House Joint Resolution No. 265 be adopted, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner),

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

**ATTORNEY GENERAL'S OPINION REGARDING ELECTION OF MARTIN
SIR AS REPRESENTATIVE OF THE 63RD DISTRICT**

MEMORANDUM

TO: Honorable Ned Ray McWherter
Speaker of the House

FROM: William M. Leech, Jr.
Attorney General

DATE: June 16, 1981

You have requested this office to advise you of when the winner of the special election being held in the 63rd representative district should be seated. The facts are that Representative W. R. "Spot" Lowe, Jr. was serving as Representative of the 63rd district at the time of his death. The legislative body of his county of residence elected an interim successor to serve until a special election could be held. A special election is being held on June 16, 1981 pursuant to the provisions of Title 2, Chapter 14 of Tennessee Code Annotated.

Article 2, § 15 of the Tennessee Constitution merely provides that "when twelve (12) months or more remain prior to the next general election for legislators, a successor shall be elected by the qualified voters of the district represented . . ." T.C.A. § 2-8-110 provides for the Governor, Secretary of State, and Attorney General to receive the returns and "declare the person receiving the highest number of votes elected." It is the opinion of this office that before the winner of the special election can be seated, he must be declared elected by these three (3) officials, and he must take his oath pursuant to Article 10, § 2 of the Constitution of Tennessee.

Mr. Scruggs moved that the rules be suspended for the purpose of considering House Bill No. 1361 out of order, which motion prevailed.

House Bill No. 1361—To amend Chapter 46, Private Acts, 1951.

On motion, House Bill No. 1361 was made to conform with Senate Bill No. 1361.

On motion, Senate Bill No. 1361, on same subject, was substituted for House Bill No. 1361.

Mr. Scruggs moved that Senate Bill No. 1361 be passed on third and final consideration.

Mr. Scruggs moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1361 by deleting the date "1984" wherever it appears in Section

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

1 and by substituting instead the date "1981"

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1361, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

Mr. Scruggs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 264 out of order, which motion prevailed.

House Joint Resolution No. 264—Relative to honoring University of Tennessee—By Scruggs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Scruggs, the resolution was adopted.

A motion to reconsider was tabled.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 391

The Conference Committee appointed to resolve the differences concerning House Bill No. 391 adopted the following report:

Amend House Bill No. 391 by deleting Sections 1, 2, and 3 in their entirety and substituting instead the following:

SECTION 1. No member of a duly appointed committee formed by a professional society to maintain the professional standards of such society as established by its by-laws shall be individually liable for defamation in or arising out of any act or proceeding undertaken or performed unless such member:

- (a) Acted outside the scope of functions for which such committee was formed; or
- (b) Acted with malice; or
- (c) Was grossly negligent regarding the truth or falsity of any matter; or
- (d) Failed to use a reasonable effort to discover the truth.

SECTION 2. No person shall be individually liable as the result of the communication of any information in the possession of such person to any professional standards committee if such communication is intended to aid such committee in the evaluation of the qualifications, fitness or character of a member or applicant for membership in any professional society unless such person:

- (a) Acted with malice; or
- (b) Was grossly negligent regarding the truth or falsity of any matter; or
- (c) Failed to use a reasonable effort to discover the truth.

SECTION 3. This section shall not be construed to confer immunity from liability on any professional society. Any such professional society shall be liable for the actual damages, arising from proceedings of a committee established by the by-laws of such society, for any wrongful charge against a member by the committee. In any case in which, but for the enactment of this act, a cause of action would arise against a professional society, such cause of action shall exist as if this act had not been enacted.

Respectfully submitted,

Rep. Steve Cobb

Rep. Michael D. Murphy

Rep. John Chiles

Sen. Douglas Henry, Jr.

Sen. Robert O. Burleson

Sen. Ernest Crouch

Mr. Cobb moved that the Report of the Conference Committee on House Bill No. 391 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL NO. 1086

The House and Senate Conference Committees appointed pursuant to motions to resolved the differences between the two houses on Senate Bill No. 1317/House Bill No.

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

1086 have met and recommend that House amendment No. 1 and Senate amendments No. 6 and 9 be deleted; and that the bill be further amended by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

“one dollar and twenty-five cents (\$1.25)”

Respectfully submitted this the 27th day of May, 1981.

FOR THE SENATE

Senator Anna Belle Clement O'Brien

Senator T. Tommy Cutrer

Senator Carl Koella

FOR THE HOUSE

Representative T. R. Miller

Representative Ray Johnson

Representative P. L. Robinson

Mr. Robinson (Washington) moved that the Report of the Conference Committee on House Bill No. 1086 be adopted and made the action of the House, which motion prevailed by the following vote.

Ayes	77
Noes	12
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, King (Washington), Lashlee, McKinney, McNally, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—77.

Representatives voting no were: Bell (Wilson), Byrd, Davidson, Hudson, Kent, Martin, Miller, Owen, Small, Smith, Spence and Turner—12.

Representatives present and not voting were: Kernell and McAfee—2.

A motion to reconsider was tabled.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Murphy (Shelby), Turner and Gill as the House Conference Committee on House Bill No. 672.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 910—To set interest rate, certain judgements.

SENATE AMENDMENT NO. 1

House Bill No. 910 by deleting Section 1 in its entirety and by renumbering the remaining sections accordingly.

Ms. Bell (Knox) moved that the House non-concur in Senate Amendment No. 1, which motion prevailed.

Mr. Pickering moved that the rules be suspended for the purpose of introducing House Bill No. 1395 out of order, which motion prevailed.

House Bill No. 1395—To authorize hot mix asphalt facility, Montgomery County—By Pickering.

Passed first consideration.

Mr. Hudson moved that the rules be suspended for the purpose of introducing House Resolution No. 81 out of order, which motion prevailed.

House Resolution No. 81—Relative to honoring Lady Vol track team—By Hudson.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Hudson moved that House Resolution No. 81 be adopted, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

Mr. Owen moved that the rules be suspended for the purpose of introducing House Resolution No. 82 out of order, which motion prevailed.

House Resolution No. 82—Relative to memory, Miles Siegel—By Owen, Miller and Smith.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Owen, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Harrill moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 266 out of order, which motion prevailed.

House Joint Resolution No. 266—Relative to honoring Madisonville High School baseball team—By Harrill.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Harrill, the resolution was adopted.

A motion to reconsider was tabled.

CALENDAR

House Joint Resolution No. 252—Relative to erecting Great Seal Memorial, Knoxville.

Mr. Severance moved that House Joint Resolution No. 252 be adopted, which motion prevailed by the following vote:

Ayes	86
Noes	0
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWhorter—86.

Representatives present and not voting were: McAfee, Owen, Spence and Wix—4.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1389—To amend Chapter 54, Private Acts, 1939; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

NOTICE TO OVERRIDE ITEM VETO

MR. SPEAKER: I hereby file notice under House Rule No. 77 that I plan to move Section 5 of House Bill No. 267 for passage, notwithstanding the objections of the Executive.

Dedrick "Teddy" Withers
Representative

Under the rules, the notice lies over.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

House Joint Resolutions Nos. 252, 264, 265 and 266; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 170, with his approval.

JULIA GIBBONS,
Counsel to the Governor.

Dear Mr. Speaker:

I have signed House Bill No. 170 / Senate Bill No. 467 and am returning it herewith with the following explanation for my actions which should be reflected in the Journals.

Both this bill and House Bill No. 1145 / Senate Bill No. 385, as amended, deal with the authority of the Board of Claims to process expeditiously claims wherein the State is nondisputably at fault. There appears to be an irreconcilable conflict between Section 1 (b) of House Bill No. 170 and Section 3 (b) of House Bill No. 1145 insofar as the duty of the Secretary of the Board is concerned.

Upon a review of the legislative history of these two bills, it appears that the language of House Bill No. 1145 was approved by the House of Representatives on May 22, 1981 and by the Senate on May 26, 1981. However, House Bill No. 170 was passed by the House of Representatives and the Senate on May 27, 1981. Because both chambers acted upon House Bill No. 170 after acting on House Bill No. 1145, I have concluded that any discrepancy in the provisions of these two bills must be resolved in favor of giving effect to House Bill No. 170. This conclusion is premised on my assumption that the members of the General Assembly must have realized that Section 1 (b) of House Bill No. 170 conflicted with Section 3 (b) of House Bill No. 1145 and that the language in House Bill No. 170 best reflects the intent of the General Assembly.

On June 15, 1981, I signed and returned House Bill No. 1145 / Senate Bill No. 385 because it contains other substantive provisions which will benefit the operation of the Board of Claims. By this action, I assume that Sections 1 and 2 of House Bill No. 1145 will become effective immediately while Section 3 will be supplanted by the language of House Bill No. 170 effective on July 1, 1981.

Sincerely,

Lamar Alexander

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 963 and House Joint Resolution No. 236 without his signature.

JULIA GIBBONS,
Counsel to the Governor.

Dear Mr. Speaker:

I am returning House Bill No. 963 / Senate Bill No. 900 herewith without my signature. The purpose of this bill, as stated by its sponsors, is to provide a small group of employees at a single correctional institution with the privilege of requesting the automatic deduction of membership dues from their paychecks. I think it was unwise for the General Assembly to take this action at this time.

All citizens have the constitutional right to associate with the people and organizations they choose. My concern about this particular bill does not undercut my firm belief that this right should be defended and protected. State employees currently have the right to join any organization they choose to, whether it be a church, civic organization or union, and this right will continue. However, the existence of dues check off bears little, if any, relation to an employee's decision to join any employee association. This decision is motivated primarily by a desire to become associated with a particular group because of an employee's agreement with the goals and objectives of the organization. Once the decision to join has been made, the automatic deduction of membership dues, when available, merely saves an employee the minor inconvenience of remembering to pay his membership dues every month. The automatic deduction of membership dues does not have an effect on a person's ability to become a member of an organization or the continuing viability of the organization itself.

The General Assembly has debated dues check off issues since 1977. In 1980, the General Assembly enacted Chapter 729, Public Acts of 1980 which provided that all employees who are members of any employee organization could ask for and obtain the automatic deduction of membership dues as long as the organization met one consistent set of requirements which applied equally to all organizations receiving dues check off. This meant that all employees and employee organizations were treated the same.

The passage of this bill may undo the General Assembly's constructive action taken last year and restores the situation to that existing prior to 1980. This will not help the State employees very much and could complicate further the legal situation surrounding the constitutionality of this law. The General Assembly would have been better advised to delay taking action on this bill while the courts are still reviewing this statute.

Sincerely,

Lamar Alexander

House Bill No. 963 becomes law without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

Dear Mr. Speaker,

I am returning House Joint Resolution 236 without my signature.

This resolution urges the Department of Correction to review current eligibility criteria for inmate participation in non-supervised release programs and for assignment to a work release center as inmate staff and to promulgate such criteria as rules and regulations in accordance with the provisions of the Uniform Administrative Procedures Acts.

I appreciate the General Assembly's expression on this matter and I, of course, will consider it most carefully. As a general matter, I have decided that it is inappropriate for me to sign resolutions directing or urging a state agency to take some certain action.

Sincerely,

Lamar Alexander

House Joint Resolution No. 236 becomes effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

RECESS

On motion of Mr. Burnett, the House recessed until 6:00 p.m. today.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

A roll call was taken with the following results:

Present 96

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1389; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bill No. 1389.

CALENDAR

Mr. McKinney moved that House Bill No. 858 be placed on the Calendar for tomorrow, which motion prevailed.

House Bill No. 859—To reapportion State Congressional Districts.

Mr. McKinney moved that House Bill No. 859 be passed on third and final consideration.

Mr. King (Washington) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 859 by deleting Section 1 in its entirety and substituting in lieu thereof the following:

Section 1. Tennessee Code Annotated, Section 2-16-103, is amended by deleting said section in its entirety and substituting in lieu thereof the following:

- (1) The first congressional district is composed of the counties of Johnson, Carter, Sullivan, Unicoi, Hawkins, Greene, Cocke, Washington, Hamblen, Hancock and Grainger.
- (2) The second congressional district is composed of the counties of Union, Knox, Jefferson, Sevier, Blount and Loudon.
- (3) The third congressional district is composed of the counties of Monroe, McMinn, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, Bradley and Polk.
- (4) The fourth congressional district is composed of the counties of Claiborne, Campbell, Anderson, Roane, Scott, Morgan, Cumberland, Pickett, Fentress, Overton, Putnam, Jackson, Clay, Macon, Trousdale, Smith, Wilson and all of Sumner County not included in the fifth congressional district.
- (5) The fifth congressional district is composed of the counties of Davidson, Cheatham, and in Sumner County, District 10, as set forth in information submitted to the Bureau of the Census pursuant to Public Law 94-171.
- (6) The sixth congressional district is composed of the counties of DeKalb, White, Van Buren, Warren, Grundy, Cannon, Coffee, Franklin, Lincoln, Moore, Bedford, Rutherford, Williamson, Maury, Marshall, Giles, Dickson, Hickman and Perry.
- (7) The seventh congressional district is composed of the counties of Robertson, Montgomery, Stewart, Huston, Humphreys, Henry, Weakley, Obion, Lake, Dyer, Gibson, Lauderdale, Crockett, Madison, Haywood, Tipton and in Benton County, Districts 3, 11 and 12, as set forth in information submitted to the Bureau of the Census pursuant to Public Law 94-171.
- (8) The eight congressional district is composed of the counties of Lewis, Lawrence, Wayne, Decatur, Carroll, Henderson, Hardin, Chester, McNairy, Harde-
man, Fayette, and in Benton County, Districts 1, 2, 4, 5, 6, 7, 8, 9, and 10, as set forth
in information submitted to the Bureau of the Census pursuant to Public Law
94-171, and the following wards, precincts, and/or districts in the city of Memphis
and Shelby County, as they existed on March 13, 1981:

44-2	74-4	89-1	Germantown-4
44-3	74-5	89-2	Germantown-5
55-1	74-6	90-1	Germantown-6
55-2	74-7	90-2	Germantown-7
56-1	74-8	90-3	Germantown-8
56-2	74-9	Arlington	Germantown-9
57	80-1	Bartlett-1	Hickory Hill-1
63-1	80-2	Bartlett-2	Hickory Hill-2
63-2	81-1	Bartlett-3	Kerrville
64-1	81-2	Bartlett-4	Lakeland
64-2	81-3	Bartlett-5	Locke
67-1	81-4	Bartlett-6	Lucy
67-2	81-5	Bartlett-7	Millington-1
67-3	81-6	Bartlett-8	Millington-2
68-1	83	Brunswick	Millington-3
68-2	84	Collierville-1	Millington-4
68-3	85	Collierville-2	McConnell
73-2	86	Cordova-1	Mullins
73-3	87-1	Cordova-2	Morning Sun
73-4	87-2	Cordova-3	Ross' Store-1
73-5	87-3	Eads	

74-1	88-1	Forrest Hill	Ross' Store-2
74-2	88-2	Germantown-1	Stewartville
74-3	88-3	Germantown-2	Woodstock

(9) The ninth congressional district is composed of all of the voting wards, precincts, and/or districts in the city of Memphis and Shelby County as they existed on March 13, 1981, except those contained in the eighth congressional district as set forth above.

Mr. McKinney moved that Amendment No. 1 be tabled, which motion prevailed.

Mr. Stafford moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 859 by deleting Section 1 in its entirety and substituting in lieu thereof the following:

Section 1. Tennessee Code Annotated, Section 2-16-103, is amended by deleting said section in its entirety and substituting in lieu thereof the following:

- (1) The first congressional district is composed of the counties of Johnson, Carter, Sullivan, Unicoi, Hawkins, Greene, Cocke, Washington, Hamblen, Hancock and Grainger.
- (2) The second congressional district is composed of the counties of Union, Knox, Jefferson, Sevier, Blount and Loudon.
- (3) The third congressional district is composed of the counties of Monroe, McMinn, Meigs, Bledsoe, Sequatchie, Roane, Hamilton, Bradley and Polk
- (4) The fourth congressional district is composed of the counties of Claiborne, Campbell, Anderson, Rhea, Scott, Morgan, Cumberland, White, Pickett, Fentress, Overton, Putnam, Jackson, Clay, Macon, Van Buren, Trousdale, Smith, Wilson and all of Sumner County not included in the fifth congressional district.
- (5) The fifth congressional district is composed of the counties of Davidson, Cheatham and in Sumner County, District 10, as set forth in information submitted to the Bureau of the Census pursuant to Public Law 94-171.
- (6) The sixth congressional district is composed of the counties of DeKalb, Marion, Warren, Grundy, Cannon, Coffee, Franklin, Lincoln, Moore, Bedford, Rutherford, Williamson, Maury, Marshall, Giles, Dickson, Hickman and Perry.
- (7) The seventh congressional district is composed of the counties of Robertson, Montgomery, Stewart, Houston, Humphreys, Henry, Weakley, Obion, Lake, Dyer, Gibson, Lauderdale, Crockett, Madison, Haywood, Tipton and in Benton County, Districts 3, 11 and 12, as set forth in information submitted to the Bureau of the Census pursuant to Public Law 94-171.
- (8) The eighth congressional district is composed of the counties of Lewis, Lawrence, Wayne, Decatur, Carroll, Henderson, Hardin, Chester, McNairy, Harde-man, Fayette, and in Benton County, Districts 1, 2, 4, 5, 6, 7, 8, 9, and 10, as set forth in information submitted to the Bureau of the Census pursuant to Public Law 94-171, and the following wards, precincts, and/or districts in the city of Memphis and Shelby County, as they existed on March 13, 1981:

44-2	74-4	89-1	Germantown-4
44-3	74-5	89-2	Germantown-5
55-1	74-6	90-1	Germantown-6
55-2	74-7	90-2	Germantown-7
56-1	74-8	90-3	Germantown-8
56-2	74-9	Arlington	Germantown-9
57	80-1	Bartlett-1	Hickory Hill-1
63-1	80-2	Bartlett-2	Hickory Hill-2
63-2	81-1	Bartlett-3	Kerrville
64-1	81-2	Bartlett-4	Lakeland
64-2	81-3	Bartlett-5	Locke
67-1	81-4	Bartlett-6	Lucy
67-2	81-5	Bartlett-7	Millington-1
67-3	81-6	Bartlett-8	Millington-2
68-1	83	Brunswick	Millington-3
68-2	84	Colliverville-1	Millington-4
68-3	85	Colliverville-2	McConnell
73-2	86	Cordova-1	Mullins
73-3	87-1	Cordova-2	Morning Sun
73-4	87-2	Cordova-3	Ross' Store-1
73-5	87-3	Eads	Ross' Store-2
74-1	88-1	Forrest Hill	Stewartville
74-2	88-2	Germantown-1	Woodstock
74-3	88-3	Germantown-2	

(9) The ninth congressional district is composed of all the voting wards, precincts, and/or districts in the city of Memphis and Shelby County as they existed on March 13, 1981, except those contained in the eighth congressional district as set forth above.

Mr. McKinney moved that Amendment No. 2 be tabled, which motion prevailed.

Upon the request of Representative Carter, the following was spread upon the journal:

**SUMMARY OF PROPOSED ALTERNATE PLAN
BY REPRESENTATIVES STAFFORD AND CARTER**

District	Population	Deviation in Population	Percentage Deviation
1	512,922	+2,839	+0.56%
2	510,426	+ 343	+0.07%
3	513,406	+3,323	+0.65%
4	506,318	-3,765	-0.74%
5	513,020	+2,937	+0.58%
6	512,765	+2,682	+0.53%
7	508,727	-1,356	-0.27%
8	506,875	-3,208	-0.62%
9	506,291	-3,792	-0.74%

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY**Summary of Deviation:****Max = 0.65%****Max - 0.74%****Max = - 1.39%****DISTRICT 1**

County	Population
Johnson	13,745
Carter	50,205
Sullivan	143,968
Unicoi	16,362
Hawkins	43,751
Greene	54,406
Cocke	28,792
Washington	88,755
Hancock	6,887
Grainger	16,751
Hamblen	49,300
Total	512,922
Deviation	+2,839 (+0.56%)

DISTRICT 2

County	Population
Union	11,707
Knox	319,694
Blount	77,770
Loudon	28,553
Jefferson	31,284
Sevier	41,418
Total	510,426
Deviation	+343, (+0.07%)

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY**DISTRICT 3**

County	Population
Monroe	28,700
McMinn	41,878
Meigs	7,431
Bledsoe	9,478
Sequatchie	8,605
Roane	48,425
Hamilton	287,740
Bradley	67,547
Polk	13,602
Total	513,406
Deviation	+3,323 (+0.65%)

DISTRICT 4

County	Population
Claiborne	24,595
Campbell	34,841
Anderson	67,346
Rhea	24,235
Scott	19,259
Morgan	16,604
Cumberland	28,676
Pickett	4,358
Fentress	14,826
Overton	17,575
White	19,567
Putnam	47,601
Van Buren	4,728
Jackson	9,398
Clay	7,676

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

Macon	15,700
Trousdale	6,137
Smith	14,935
Wilson	56,064
Sumner	72,197*
Total	506,318
Deviation	-3,765 (-0.74%)

*Sumner County:

Magisterial District	Population
1	7481
2	8314
3	8442
4	6057
5	5192
6	7158
7	8698
8	2738
9	3571
11	5324
12	8301
Unallocated Pop.	921 (84% of total)
Total	72,197

DISTRICT 5

County	Population
Davidson	477,811
Cheatham	21,616
Sumner*	13,593*
Total	513,020
Deviation	+2,937 (+0.58%)

Sumner County:

Magisterial District	Population
10	13,418
Unallocated Pop.	175 (16% of total)
Total	13,593

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY**DISTRICT 6**

County	Population
DeKalb	13,589
Marion	24,416
Warren	32,653
Grundy	13,787
Cannon	10,234
Coffee	38,311
Franklin	31,983
Lincoln	26,483
Moore	4,510
Bedford	27,916
Rutherford	84,058
Williamson	58,108
Maury	51,095
Marshall	19,698
Giles	24,625
Dickson	30,037
Hickman	15,151
Perry	6,111
Total	512,765
Deviation	+2,682 (+0.53%)

DISTRICT 7

County	Population
Robertson	37,021
Montgomery	83,342
Stewart	8,665
Houston	6,871
Humphreys	15,957
Benton	3,846*

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

Henry	28,656
Weakley	32,896
Obion	32,781
Lake	7,455
Dyer	34,663
Gibson	49,467
Lauderdale	24,555
Crockett	14,941
Madison	74,546
Haywood	20,318
Tipton	32,747
Total	508,727
Deviation	-1,356 (-0.27%)

***Benton County:**

Magisterial District	Population
3	1,548
11	1,254
12	999
Unallocated Pop. & Unassigned Block/ED	45
Total	3,846

DISTRICT 8

County	Population
Lewis	9,700
Lawrence	34,110
Wayne	13,946
Hardin	22,280
Decatur	10,857
Carroll	28,285
Henderson	21,390
Chester	12,727
McNairy	22,525

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

Hardeman	23,873
Fayette	25,305
Benton	11,055*
Shelby	270,794**
Shelby (unallocated)	28 (35 percent of total unassigned)
Total	506,875
Deviation	-3,208 (-0.62%)

***Benton County:**

Magisterial District	Population
1	1,064
2	1,178
4	1,329
5	1,565
6	1,160
7	1,030
8	1,186
9	954
10	1,459
Unallocated Pop. & Unassigned Block/ED	130 (74% of total)
Total	11,055

****Shelby County:**

Precinct	Population
Arlington	2,421
Bartlett 1, 3, 6 & 8	10,437
Bartlett 2 & 7	4,506
Bartlett 4 & 5	6,983
Brunswick	1,557
Collierville 1 & 2	8,732
Cordova 1, 2 & 3	6,762
Eads	856
Forrest Hill	1,268
Germantown 1	2,278
Germantown 2	2,906
Germantown 4	1,210
Germantown 5	3,375
Germantown 6	2,322
Germantown 7	5,530
Germantown 8	2,698
Germantown 9	2,418
Hickory Hill 1 & 2	6,153
Kerrville	794
Locke	1,659
Lucy	2,484
McConnells	5,086

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

Lakeland	712
68-1	5,063
73-2	4,067
73-3	2,179
73-4	5,238
73-5	3,697
74-1--74-9	21,711
80-1 & 80-2	4,192
81-1--81-6	12,778
83	3,842
84	3,898
85	2,978
86	3,852
87-1--87-3	8,113
88-1	4,711
88-2 & 88-3	5,649
89-1 & 89-2	6,269
90-1--90-3	12,679
68-2	1,513
68-3	1,796
67-1	2,670
67-2	2,514
67-3	2,347
56-1	2,970
56-2	2,198
57	2,460
63-1	2,919
63-2	1,821
64-1	1,963
64-2	1,777
55-1	3,267
55-2	2,486
44-2	2,263
44-3	1,475
Millington 1, 2, 3 & 4	24,179
Morning Sun	1,161
Mullins	577
Ross' Store 1 & 2	9,808
Stewartville	3,906
Woodstock	661
Total	270,794

DISTRICT 9

County	Population
Remainder of Shelby	506,291 (includes 52 unassigned, or 65 percent of total unassigned)
Deviation	-3,792 (-0.74%)

Ms. Bell (Knox) moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 859 by adding the following as a new Section 3 and renumbering

the other sections accordingly:

Section 3. In establishing boundaries for congressional districts, it is the intent of the General Assembly to establish districts that are of strict equality in population to the extent that is practicable. The General Assembly further acknowledges that the strength of one or more political parties is not a consideration which justifies a variation in populations between or among districts.

Mr. Burnett moved that Amendment No. 3 be tabled, which motion prevailed.

Mr. Carter moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 859 by adding the following as a new Section 3 and renumbering the other sections accordingly:

Section 3. In constructing congressional districts with populations as strictly equal as is practicable, it is also the intent of the General Assembly to avoid, where possible, the distribution of precincts with predominantly minority populations between or among more than one congressional district, in that such distribution could result in a reduction of representation by minorities in the United States Congress.

Mr. McKinney moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	56
Noes	38

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Hillis, Jared, Johnson, Jones, Kernell, King (Shelby), Lashlee, Love, McKinney, Miller, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Spence, Stallings, Starnes, Tanner, Turner, Wallace, Wheeler, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—56.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Clark (Sumner), Copeland, Duer, Duncan, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Kelley, Kent, King (Washington), McAfee, McNally, Martin, Montgomery, Murphy (Shelby), Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Sterling, Ussery, Webb, Whitson, Wolfe and Wood—38.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 859 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 2-16-103 is amended by deleting the section in its entirety and by substituting instead the following:

The state of Tennessee is divided into the following nine (9) congressional districts:

1. The first congressional district is composed of the counties of Carter, Cocke, Greene, Hawkins, Jefferson, Johnson, Sevier, Sullivan, Unicoi and Washington.

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

2. The second congressional district is composed of the counties of Blount, Knox, Loudon, McMinn, Monroe and Polk.

3. The third congressional district is composed of the counties of Anderson, Bradley, Grundy, Hamilton, Marion, Meigs and Roane.

4. The fourth congressional district is composed of the counties of Bedford, Bledsoe, Campbell, Claiborne, Coffee, Cumberland, Fentress, Franklin, Giles, Grainger, Hamblen, Hancock, Lawrence, Lincoln, Moore, Morgan, Rhea, Scott, Sequatchie, Union, Van Buren, Warren and White.

5. The fifth congressional district is composed of the counties of Davidson and Robertson.

6. The sixth congressional district is composed of the counties of Cannon, Clay, DeKalb, Jackson, Lewis, Macon, Marshall, Maury, Overton, Pickett, Putnam, Rutherford, Smith, Sumner, Trousdale, Williamson and Wilson.

7. The seventh congressional district is composed of the counties of Cheatham, Chester, Decatur, Dickson, Fayette, Hardeman, Hardin, Wayne, Henderson, Hickman, Houston, Humphreys, McNairy, Montgomery, and Perry, and the following precincts of Shelby County: Capleville 1, Capleville 2, Ross' Store 1, Ross' Store 2, Forest Hill, Collierville 1, Collierville 2, Hickory Hill 1, Hickory Hill 2, Germantown 1, Germantown 2, Germantown 4, Germantown 5, Germantown 6, Germantown 7, Germantown 8, Germantown 9, Eads, Morning Sun, Cordova 1, Cordova 2, Cordova 3, Lakeland, Arlington, Brunswick, Bartlett 1, Bartlett 2, Bartlett 3, Bartlett 4, Bartlett 5, Bartlett 6, Bartlett 7, Bartlett 8, Mullins, 86, 85, 87-1, 87-2, 87-3, 88-1, 88-2, 88-3, 89-1, 89-2, 80-1, 80-2, 81-1, 81-6, 81-3, 81-2, 81-4, 81-5, 74-6, 74-5, 74-1, 74-8, 74-3, 74-2, 74-7, 74-9, 74-4, 73-2, and 90-1.

8. The eighth congressional district is composed of the counties of Benton, Carroll, Crockett, Dyer, Gibson, Haywood, Henry, Lake, Lauderdale, Madison, Obion, Stewart, Tipton, and Weakley, and the following precincts of Shelby County: 69-1, 69-2, 70-1, 70-2, 70-3, 71-1, 71-2, 71-3, 72-1, 72-2, 72-3, 72-4, 72-5, 72-6, 83, 84, 90-2, 90-3, McConnells, Woodstock, Locke, Millington 3, Millington 1, Millington 2, Millington 4, Kerrville, Lucy, and Stewartville.

9. The ninth congressional district is composed of the following precincts of Shelby County: 1, 2, 12, 39, 40-1, 41-1, 42-1, 43-2, 62-1, 62-2, 53-2, 53-3, 53-1, 43-1, 52-1, 42-2, 41-3, 41-2, 40-2, 21-3, 21-2, 27-2, 27-1, 22, 21-1, 36-2, 36-3, 36-1, 52-2, 52-3, 38-2, 38-1, 38-3, 54-1, 54-2, 63-1, 63-2, 68-1, 68-2, 64-1, 55-2, 55-1, 44-1, 44-2, 44-5, 37, 33, 20-1, 20-2, 20-3, 51, 27-3, 7, 18, 16-3, 17-1, 17-2, 16-1, 28-2, 44-4, 64-2, 68-3, 56-2, 67-3, 67-2, 67-1, 66-2, 65-2, 56-1, 57, 65-1, 66-1, 58-4, 58-5, 46-3, 58-3, 58-2, 58-1, 46-2, 46-1, 44-3, 45-4, 45-3, 59-2, 59-3, 59-4, 45-2, 45-1, 28-1, 29-2, 61-1, 61-2, 47-2, 47-3, 47-1, 29-1, 30, 16-2, 31-1, 31-2, 31-3, 31-4, 48, 60-4, 60-2, 60-6, 60-8, 60-3, 60-1, 49-2, 34-1, 26-1, 15, 32, 11-1, 11-2, 13-1, 25-1, 14-1, 26-2, 14-2, 25-3, 25-2, 13-3, 13-2, 35-3, 35-1, 34-2, 49-1, 50-2, 50-1, 35-2, 82-1, 75-9, 75-1, 75-7, 75-2, 75-10, 75-6, 82-3, 75-4, 82-2, 75-8, 75-5, 76-3, 76-5, 76-2, 76-4, 77-2, 77-3, 76-1, 77-1, 78-4, 78-1, 78-2, 79-1, 79-2, 79-3, 79-6, 79-5, 79-7, 79-4, 78-5, 78-3, 60-5, 60-7, 73-1, 73-6, 73-3, 73-4, 73-5, 75-3, and 59-1.

Amendment No. 5 was adopted by the following vote:

Ayes	59
Noes	34
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Buck,

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Hillis, Jared, Jones, Kent, Kernell, King (Shelby), Love, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Small, Spence, Stallings, Starnes, Tanner, Turner, Wallace, Wheeler, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—59.

Representatives voting no were: Baker, Bewley, Carter, Chiles, Clark (Sumner), Copeland, Duer, Duncan, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Kelley, King (Washington), McAfee, Martin, Montgomery, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Sterling, Ussery, Webb, Whitson, Wolfe and Wood—34.

Representatives present and not voting were: Johnson and Phillips—2.

Thereupon, House Bill No. 859, as amended, passed its third and final consideration by the following vote:

Ayes	57
Noes	37
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Hillis, Jared, Jones, Kernell, King (Shelby), Lashlee, Love, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Small, Spence, Stallings, Starnes, Tanner, Turner, Wallace, Wheeler, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—57.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Chiles, Clark (Sumner), Copeland, Duer, Duncan, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Kelley, Kent, King (Washington), McAfee, Martin, Montgomery, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Sterling, Ussery, Webb, Whitson, Wolfe and Wood—37.

Representatives present and not voting were: Johnson and Phillips—2.

A motion to reconsider was tabled.

Mr. McKinney moved that House Bill No. 860 be placed on the Calendar for tomorrow, which motion prevailed.

Mr. Owen moved that House Bill No. 1164 be placed on the Calendar for tomorrow, which motion prevailed.

Mr. Bragg moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 267 out of order, which motion prevailed.

House Joint Resolution No. 267—Relative to honoring James Lee Case—By Hillis, Bragg, Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell,

King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

ROLL CALL

A roll call was taken with the following results:

Present 96

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

INTRODUCTION OF BILLS

House Bill No. 1394—To provide for assessment, taxes, fire protection—By Moore and Sterling.

Passed first consideration.

SENATE BILL ON SECOND CONSIDERATION

Senate Bill No. 1394—To create office, Judicial Referee, certain counties.

Passed second consideration and held without reference.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1390—To establish safety devices, railroad crossings.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 1391—To require warning devices, railroad crossings.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 1392—To amend Section 5-5-102, Code.

Passed second consideration and referred to Committee on State and Local Government.

WEDNESDAY, JUNE 17, 1981—55th LEGISLATIVE DAY

House Bill No. 1393—To authorize Veterans preference points, civil service test.

Passed second consideration and referred to Committee on State and Local Government.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 859; and House Joint Resolution No. 267; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Burnett, the House adjourned until 10:00 a.m. tomorrow.